

REMARKS

Claims 1-13 presently stand finally rejected as a result of the Office Action of December 2, 2003. In view of Request for Continued Examination concurrently filed herewith, the finality of the rejection of claims 1-13 is effectively removed.

Reconsideration of the present application is requested on the basis of the following particulars.

1. Interview of February 24, 2004

Applicants appreciate the courtesy of the Examiner in granting an interview with Applicants' representative on February 24, 2004. In accordance with the discussion at the interview, Applicants have amended the claims and present commentary discussing the distinguishing characteristics of the present application in view of the cited prior art.

2. In the Claims

In accordance with the interview and the discussion on U.S. Patent 5,064,222 (Legault), claims 1 and 7 of the present application are presently amended as shown above in the List of Current Claims.

First, at the interview the Examiner alleged that despite the teaching by Legault that the various sheets of the bar code applicator are bound, such sheets are essentially the equivalent of the broadly construed "sheet material" recited in claims 1 and 7 of the present application. In order to overcome this interpretation, claims 1 and 7 recite the sheet material of each processed group as being "loose." Support for the description of the sheet material being "loose" is found in FIGS. 2-4 and in the specification on page 7 discussing FIGS. 2-4.

The Examiner indicated that the term "processing" used in claim 1 is vague without defining how and why the sheet material is processed. In the present

amendment, the processing step is defined as “examining the fitness or obtaining information of loose sheet material of a respective group of sheet material.” This amendment finds support in the specification on page 2.

Next, the information carrier itself was discussed at the interview. The Examiner indicated that it is preferred that the “information” that the information carrier bears be defined in more detail. Accordingly, the information carrier is described in claims 1 and 7 as bearing information specific to a group of sheet material. It will be noted that claim 7 already, in essence, recites this limitation.

Moreover, claim 7 has been amended to indicate that the information carried by the information carrier is “specific” to a respective group of sheet material. Support for these amendments is found in the specification of the present application on page 4, last paragraph.

Finally, claim 7 recites the groups of sheet material as being “successively transported by a sheet processing device.” This limitation is provided to set an environment in which the sheet material is separated and processed. Applicants maintain that this limitation is inherent by reciting a sheet processing machine in the preamble of claim 7 since it is known to those skilled in the art that sheet processing machines transport sheet material. Moreover, support for this feature is found on pages 3 and 4 of the specification.

Claim 14 is a new claim which recites that the separator card possesses physical properties different from the physical properties of the loose sheet material. Support for this claim is found on page 4, last full paragraph.

Claim 15 is a new claim which recites that the at least one information carrier bears deposit data for an individual group of sheet material. Support for this claim is found on page 3 in the specification.

Acceptance of the amendments to the claims is respectfully requested in the next communication from the Examiner.

3. Rejection of Claims 1-13 Under 35 U.S.C. 102(b) as Being Anticipated by U.S. Patent 5,064,222 (Legault)

Claims 1-13 presently stand rejected for being anticipated by the disclosure of Legault. This rejection is respectfully traversed on the basis that the disclosure of Legault fails to disclose or suggest the method of claim 1 and the means of claim 7 of the present application. Accordingly, claims 1 and 7 are patentable. Claims 2-6 and 11-13, which depend directly or indirectly from claim 1, and claims 8-10, which depend directly or indirectly from claim 7, are thus patentable based on their dependency from either claim 1 or 7 and their individually recited features.

Turning to the teachings of Legault, this disclosure is generally directed to a booklet that comprises repeating groups of sheets. This booklet is described as having a cover and a spine (col. 1, 64-65). While the sheets are glued together, such sheets can be readily removed (col. 1, lines 65-67). The booklet includes a cover sheet, a stamp page, an instruction sheet and a bar code applicator.

In contrast with the claims of the present application, Legault simply fails to disclose or suggest a method and means for processing loose sheet material. As mentioned above, Legault discloses a bound booklet, and this bound booklet and the pages therein cannot reasonably be construed "loose" sheet material.

Next, Legault fails to disclose or suggest processing separate groups of sheet material such that the processing includes examining the fitness or obtaining information of loose sheet material of each group. Instead, Legault simply presents a bar code applicator that is provided with stamps and bar codes that can be applied to an envelope.

In addition, it is readily apparent that Legault fails to disclose, suggest or teach the at least one information carrier of the present application. More specifically, the Office Action makes reference to the bar code applicator 8 in Legault as a teaching of an information carrier of the type recited in the claims of the present application. Applicants respectfully disagree that the bar code applicator taught by Legault is an equivalent teaching of the information carrier of the present application, and assert that the bar code applicator of Legault could not reasonably be construed as an implicit teaching by Legault of the information carrier of the present application.

In observing Fig. 4, the bar code applicator in Legault is described as a plastic sheet having pressure sensitive figures disposed on the face thereof. The bar code applicator is described as being adapted to allow the user to apply a precise and uniform bar code designating a postal code to the face of an envelope (col. 2, lines 27-32). Moreover, the bar code applicator is also described as having an array of six adjacent boxes and an array of short bars that represent letters of the alphabet and numbers 0-9 (col. 2, lines 39-49) and such letters and numbers are rubbed off onto an envelope by a user (col. 2, lines 50-60).

In view of the above-noted passages, it is readily apparent that the bar code applicator does not provide information for a particular group of sheet material, but instead is merely a template by which a user can transfer a combination of the letters and numbers represented thereon onto an envelope at the user's selection. By its very nature, the bar code applicator lacks any specific information regarding a group of sheet material, and thus cannot be reasonably construed as an information carrier for a specific group of sheet material as the information carrier recited in claims 1 and 7 of the present application.

Regarding claim 7 of the present application, this claim now distinctly recites transporting loose sheet material in a sheet processing device, and the separator card and the information carrier are defined as being arranged to be successively transported in a sheet processing machine. Thus, at least one feature of the

separator card and the information carrier is that they are structurally sufficient to permit successive transport in a sheet processing device.

It will be noted that the protective cover sheet equated by the Examiner in the Action as a separator card is described as a colored tissue paper by Legault (col. 2, lines 4-5). It is submitted that one skilled in the art would likely consider tissue paper inappropriate for use in a sheet processing device. Moreover, Legault describes the bar code applicator, which was equated as the information carrier, as comprising a flexible clear or translucent sheet with pressure sensitive figures (col. 2, lines 24-28). It is also submitted that one skilled in the art would consider a plastic sheet with pressure sensitive figures inappropriate for use in a sheet processing device.

In view of the observations on the disclosure of Legault and the claims of the present application, Applicants submit that the teachings of Legault fail to disclose or suggest the method of claim 1 and the means of claim 7 of the present application. Accordingly, withdrawal of this rejection is respectfully requested.

4. Conclusion

In consideration of the amendments to the claims, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that claims 1-15 be allowed and the application be passed to issue.

Application No.: 09/718,473
Examiner: Kimberly D. NGUYEN
Art Unit: 2876

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicants' Attorney, the Examiner is invited to contact the undersigned at the numbers shown below.

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amendment 220304.wpd

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Justin J. Cassell', written over a horizontal line.

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